

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRYL WRIGHT,

Defendant.

No. CR14-5539 BHS

DEFENDANT WRIGHT'S MOTION TO
MODIFY CONIDITIONS OF RELEASE

Oral Argument Requested

Note for Consideration: September 18,
2015

Defendant Darryl Wright, by his attorney, Christopher Black, moves to amend a single condition of his appearance bond, the one requiring that he remain at all times in the Western District of Washington. For the reasons outlined below, the defense requests that the Court amend this restriction to permit Mr. Wright to make periodic trips to Idaho.

I. FACTUAL AND PROCEDURAL BACKGROUND

Mr. Wright was indicted on November 25, 2014. At Mr. Wright's initial appearance, on the afternoon January 29, 2015, Magistrate Judge Creatura released Mr. Wright on an appearance bond. As relevant to the instant motion, the bond included the following condition:

Travel is restricted to the Western District of Washington, Eastern District of Washington, District of Oregon, and the District of Idaho, or as directed by Pretrial Services.

Dkt. No. 11.

DEFENDANT WRIGHT'S MOTION TO MODIFY
CONDITIONS OF RELEASE
(Darryl Wright; No. CR14-5539 BHS) - 1

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1 On July 2, 2015, the Government moved to detain Mr. Wright or modify the conditions
2 of Mr. Wright's release. The Government's motion was based on allegations that Mr. Wright
3 had contacted witnesses in the case subsequent to the issuance of his initial appearance bond.
4 See Dkt. No. 35.

5 On July 17, 2015, Judge Creatura granted the Government's motion in part.
6 Specifically, the Court prohibited Mr. Wright from traveling outside the Western District of
7 Washington, and prohibited Mr. Wright from contacting certain witnesses named in the
8 amended appearance bond and also other potential witnesses. See Dkt. 42. The majority of the
9 witnesses named in the amended appearance bond reside within the Western District of
10 Washington. The Court noted during the hearing on the Government's motion that the
11 conditions of Mr. Wright's release could be revisited at a later date.

12 Since the Government moved to modify the conditions of Mr. Wright's release, Mr.
13 Wright has complied with all of his release conditions. There have been no allegations that Mr.
14 Wright has attempted to contact any witnesses or potential witnesses, or that Mr. Wright has
15 otherwise violated any conditions of release since July 17, 2015.

16 Mr. Wright has a 12-year-old daughter, MLWM. Mr. Wright's daughter resides
17 permanently with her mother in Boise, Idaho. Under the parenting plan between Mr. Wright
18 and MLWM's mother, Mr. Wright is entitled to one week of custodial time with MLWM every
19 month during the months that MLWM is in school. See Exhibit A (Parenting Plan) at 2 - 3.¹
20 Mr. Wright ordinarily travels to Boise, Idaho, for one week every month that school is in
21 session to spend time with his daughter. Because MLWM attends school in Boise, Mr. Wright
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23
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25 ¹ Exhibit A will be filed under seal in conjunction with this motion.

1 must travel there to implement the custody provisions of the parenting plan during the school
2 year.

3 Now the school year has begun, Mr. Wright is unable to see his daughter because of the
4 restriction on his travel contained in the appearance bond. Mr. Wright is asking the Court to
5 modify his conditions of release to permit him to travel outside the Western District of
6 Washington, to Boise, Idaho, for the purpose of having custodial time with his daughter. Mr.
7 Wright is prepared to stipulate to new bond conditions that permit travel outside the Western
8 District of Washington only to Boise, Idaho, for the purpose of visiting his daughter and that
9 limit travel to periods when he is visiting his daughter. Mr. Wright's trial is currently
10 scheduled to commence on October 20, 2015. However, there is a pending motion to continue
11 the trial to the spring of 2016.

12 **II. ARGUMENT**

13 The Court has authority to modify Mr. Wright's conditions of release under 18 U.S.C. §
14 3142(c)(3), which permits a court to amend the conditions of release at any time. The defense
15 submits that amendment of Mr. Wright's conditions of release is appropriate for a number of
16 reasons.
17

18 First, Mr. Wright has maintained strict compliance with the conditions of release set by
19 this Court since July 17, 2015. Second, despite the fact that the majority of the witnesses in this
20 case, including those listed in the amended appearance bond, reside in the Seattle area, Mr.
21 Wright has refrained from having any contact with them. Mr. Wright has also refrained from
22 having any contact with out-of-state witnesses, including any telephonic, email, or online
23 contact. Mr. Wright's compliance with the conditions prohibiting contact with witnesses
24 indicates that he will be able to refrain from contacting witnesses residing in Idaho, if the Court
25

permits him to travel to that state for the purpose of visiting his daughter. Third, Mr. Wright is prepared to stipulate to additional conditions of release that would limit his travel to Boise, Idaho, for the purpose of having custodial time with his daughter as contemplated under Mr. Wright's parenting plan. Fourth, with the potential continuance of the trial, it seems like an unnecessary hardship on Mr. Wright's daughter to deny her his involvement and attendance during her school and extracurricular activities throughout her first school year of junior high school. Finally, if Mr. Wright is convicted of the offenses listed in the indictment he will likely be sentenced to a term of imprisonment, during which his contact with his children will be severely limited. Given the effect that this will likely have on both Mr. Wright and his daughter, it is extremely important for Mr. Wright to be able to spend time with his daughter prior to his trial.

III. CONCLUSION

Based on the foregoing, the defense respectfully requests that the Court modify his conditions of release to permit Mr. Wright to visit and parent his daughter in Idaho for one week every month during the school year.

DATED this 10th day of September, 2015.

Respectfully submitted,

BLACK LAW, PLLC

s/ Christopher Black

Christopher Black

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the below-noted date, via the CM/ECF system, upon the parties required to be served in this action.

DATED this 10th day of September, 2015.

Respectfully submitted,

BLACK LAW, PLLC

s/ Christopher Black

Christopher Black

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